

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE ENROLLED ACT No. 2031

AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 12-7-2-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 28. "Child" means the following:

(1) **For purposes of IC 12-13-15, the meaning set forth in IC 12-13-15-1.**

(2) For purposes of IC 12-17.2 and IC 12-17.4, an individual who is less than eighteen (18) years of age.

~~(2)~~ (3) For purposes of IC 12-26, the meaning set forth in IC 31-9-2-13(d).

SECTION 2. IC 12-7-2-76.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: **Sec. 76.7. "Emergency medical services", for purposes of IC 12-13-15, has the meaning set forth in IC 12-13-15-2.**

SECTION 3. IC 12-7-2-124.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: **Sec. 124.5. "Local child fatality review team", for purposes of IC 12-13-15, has the meaning set forth in IC 12-13-15-3.**

SECTION 4. IC 12-7-2-129.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: **Sec. 129.5. "Mental health**

HEA 2031+



C
O
P
Y

provider", for purposes of IC 12-13-15, has the meaning set forth in IC 12-13-15-4.

SECTION 5. IC 12-13-15 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]:

Chapter 15. Child Fatality Review Teams

Sec. 1. As used in this chapter, "child" means an individual less than sixteen (16) years of age.

Sec. 2. As used in this chapter, "emergency medical services" means the provision of emergency ambulance services or other services, including extrication and rescue services, utilized in serving an individual's need for immediate medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury.

Sec. 3. As used in this chapter, "local child fatality review team" refers to a county or regional child fatality review team established under this chapter.

Sec. 4. As used in this chapter, "mental health provider" means any of the following:

- (1) A registered nurse or licensed practical nurse licensed under IC 25-23.
- (2) A clinical social worker licensed under IC 25-23.6-5.
- (3) A marriage and family therapist licensed under IC 25-23.6-8.
- (4) A psychologist licensed under IC 25-33.
- (5) A school psychologist licensed by the Indiana state board of education.
- (6) An individual who claims to be a mental health provider.

Sec. 5. (a) A county may establish a county child fatality review team for the purpose of reviewing the death of a child that is:

- (1) sudden;
- (2) unexpected; or
- (3) unexplained.

(b) The legislative body of a county (as defined in IC 36-1-2-9) must determine by majority vote whether the county will establish a local child fatality review team.

(c) If a county elects not to establish a county child fatality review team, the county may join with one (1) or more other counties that have not established a county child fatality review team and form a regional child fatality review team.

(d) To establish a regional child fatality review team as described in subsection (c), the legislative body of each county

C
o
p
y



comprising the region must cast a majority of votes in favor of establishing a regional child fatality review team.

Sec. 6. A child fatality review consists of determining:

- (1) whether similar future deaths could be prevented; and**
- (2) agencies or resources that should be involved to adequately prevent future deaths of children.**

Sec. 7. (a) A local child fatality review team consists of the following members:

- (1) A coroner or deputy coroner from the area served by the local child fatality review team.**
- (2) A representative from a:**
 - (A) corporation (as defined in IC 16-22-8-2);**
 - (B) local health department established under IC 16-20-2;**
 - or**
 - (C) multiple county health department established under IC 16-20-3;**

from the area served by the local child fatality review team.

- (3) A physician residing or practicing medicine in the area served by the local child fatality review team.**

- (4) A representative of law enforcement from the area served by the local child fatality review team.**

- (5) A representative from an emergency medical services provider doing business in the area served by the local child fatality review team.**

- (6) A director of an office of family and children from the area served by the local child fatality review team or the director's designee.**

- (7) A representative of the prosecuting attorney from the area served by the local child fatality review team.**

- (8) A pathologist with forensic experience who is licensed to practice medicine in Indiana.**

- (9) A representative from a fire department or volunteer fire department (as defined in IC 36-8-12-2) from the area served by the local child fatality review team.**

(b) If a local child fatality review team is established in one (1) county, the legislative body that voted to establish the local child fatality review team under section 5 of this chapter shall:

- (1) adopt an ordinance for the appointment and reappointment of members of the local child fatality review team; and**
- (2) appoint members to the local child fatality review team under the ordinance adopted.**

C
o
p
y



(c) If a local child fatality review team is established in a region, the county legislative bodies that voted to establish the local child fatality review team under section 5 of this chapter shall:

- (1) each adopt substantially similar ordinances for the appointment and reappointment of members of the local child fatality review team; and
- (2) appoint members to the local child fatality review team under the ordinances adopted.

Sec. 8. A local child fatality review team may have additional members from the following categories:

- (1) A representative of a hospital located in the county or region served by the local child fatality review team.
- (2) A mental health provider providing services in the county or region served by the local child fatality review team.
- (3) A representative from a juvenile or a probate court in the county or region served by the local child fatality review team.
- (4) Other representatives requested to serve by the members of the local child fatality review team.

Sec. 9. (a) Any member of a local child fatality review team may serve as chairperson. The chairperson shall be elected by the members of the local child fatality review team at the first meeting of the local child fatality review team.

(b) The local child fatality review team shall meet at the call of the chairperson.

(c) The local child fatality review team chairperson shall determine the agenda for each meeting.

Sec. 10. (a) Except as provided in subsection (b), meetings of a local child fatality review team are open to the public.

(b) Meetings of a local child fatality review team that involve confidential records or identifying information regarding the death of a child that is confidential under state or federal law shall be held as executive sessions.

(c) If an executive session is held under subsection (b), each individual who:

- (1) attends a meeting of the local child fatality review team; and
- (2) is not a member of the local child fatality review team; shall sign a confidentiality statement prepared by the division. The local child fatality review team shall keep all confidentiality statements signed under this subsection.

Sec. 11. Members of a local child fatality review team and

C
o
p
y



individuals who attend a meeting of a local child fatality review team as an invitee of the chairperson:

- (1) may discuss among themselves confidential matters that are before the local child fatality review team;
- (2) are bound by all applicable laws regarding the confidentiality of matters reviewed by the local child fatality review team; and
- (3) except when acting:
 - (A) with malice;
 - (B) in bad faith; or
 - (C) with negligence;
 are immune from any civil or criminal liability that might otherwise be imposed as a result of sharing among themselves confidential matters that are before the local child fatality review team.

Sec. 12. The division shall provide training to local child fatality review teams.

Sec. 13. (a) The division shall collect and document information surrounding the deaths of children reviewed by local child fatality review teams. The division shall develop a data collection form that includes:

- (1) identifying and nonidentifying information;
- (2) information regarding the circumstances surrounding a death;
- (3) factors contributing to a death; and
- (4) findings and recommendations.

(b) The data collection form developed under this section must also be provided to:

- (1) the appropriate community child protection team; and
- (2) the appropriate:
 - (A) corporation (as defined in IC 16-22-8-2);
 - (B) local health department established under IC 16-20-2;
 - or
 - (C) multiple county health department established under IC 16-20-3.

Sec. 14. The division's annual report shall be made available to the public. The division may not charge more than the amount set by IC 5-14-3-8 to offset the cost of copying the annual report.

SECTION 6. IC 16-18-2-225.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 225.8. "Mental health provider", for purposes of IC 16-36-1.5, has the meaning set forth in ~~IC 16-36-1.5-1~~ IC 16-36-1.5-2.

HEA 2031+



C
o
p
y

SECTION 7. IC 34-30-2-43.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: **Sec. 43.8. IC 12-13-15-11 (Concerning members of a local child fatality review team and persons who attend a meeting of a local child fatality review team as an invitee of the chairperson).**

C
o
p
y

HEA 2031+



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Approved: _____

Governor of the State of Indiana

C
o
p
y



HEA 2031+